

IV. REMARKS

Applicant is appreciative of the Examiner's finding of allowable subject matter as stated on page 6 of the Office Action mailed June 11, 2004. Claims 16 and 19 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims and are now new claims 21 and 22 herein.

The Examiner states on page 4 of the Office Action that the three ears extending from each side of the head in claim 4 must be shown or the features canceled from the claims.

Applicant has herein submitted replacement sheets for Fig. 1 (sheet 1 of drawings), Figs. 2 and 3 (sheet 2), Figs. 4 and 5 (sheet 3) and Fig. 6 (sheet 4). To understand the relationship of the three ears extending from each side of the head, the Examiner is referred to Fig. 6, which shows three ears 40 extending from the head 38. It is stated in the present application that "the bend lines are shown in broken lines on Fig. 1 and include the bend lines 68 for forming the head 38" (page 9, lines 3-4). Therefore, as shown in Figs. 1 and 6, there are three ears 40 and they extend from each side of the head 38 with the head 30 being the top portion of the base 22 (see Fig. 1) and the sides of the head 38 denoted by the bend lines 68 (see Fig. 1).

Regarding the Examiner's comments regarding claim 4 on page 4, Applicant refers the Examiner to the previous paragraph which clarifies the number of heads 38 by reference to replacement Figs. 1 and 6.

Claim 3 has been canceled in response to the Examiner's remarks regarding claim 3 on page 4.

The Examiner further states on pages 4 and 5 that: it is unclear whether the word "on" in the above phrases means that the first holding member is made up of the arcuate cable holding member and the deformable member or whether the first holding member is a separate element. The Examiner further states that it is unclear where the arcuate cable holder begins and the deformable member ends.

Applicant refers the Examiner to the plan view of a blank that will be formed into a cable holder in Fig. 1 and the perspective view of the cable holder in Fig. 6 for a clarification on the details of the first holding member 28. As stated in the application "the first holding member 28 typically extends at a 90 degree angle from the base 22 and includes a deformable member 34 extending at an angle of 90 degrees from the first holding member 28. The arcuate cable holder 32 is an open area in the first holding member 28 that includes between 260 and 280 degrees of arc of a full circle. The deformable member 34 extends from the first holding member 28 at a point between 155 and 165 degrees of said arc away from the base 22" (page 7, lines 9-14). As shown in Fig. 1, the arcuate cable holder 32 extends between 260 and 280 degrees of arc around the inner periphery of the first holding member 28. The deformable member 34 extends from the first holding member 28 at between 155 and 165 degrees of the arc. The arc of the arcuate cable holder 32 begins at the portion of the inner periphery of the first cable holder 28 along the side adjacent the base 22 and extends therefrom to the opposite end. After the blank has been bent along the bend lines (shown in dashed lines in Fig. 1) to form the first cable holder 28 at a 90 degree angle to the base 22 and the deformable member 34 at a 90 degree angle to the remainder of the first holding member 28 as shown in fig. 6, the arcuate cable holder 32 includes a total arc of between 260 and 280

degrees of arc of which 155 to 165 degrees of arc are in a plane perpendicular to the base 22 and the remainder of the arc are in a plane parallel to the base 22. As further stated in the application “a screwdriver or similar leverage tool (not shown) is then inserted into the slot 48 in the first holding member 28. Pressure is then exerted on the first holding member 28 until the deformable member 34 secures the cable 78 against the base 22. Exerting pressure on the slot 48 causes the first holding member 28 to buckle or bend in the vicinity of the slot 48 and thereby collapse the channel 46. The deformable member 34, being integral with the base 22 and constructed of steel, deforms against the cable 78 and secures it against the base 22. The screwdriver is then removed from the slot 48 and the deformable member 34 retains its deformed shape, thereby trapping the cable 78 against the base 22” (page 9, lines 12-20). The arcuate cable holder 32 therefore includes the entire arcuate inner periphery of the first cable holder 28 and the deformable member 34 includes the outer portion of the first cable holder 28 beginning at 155 to 165 degrees of arc from the start of the arcuate cable holder 28 adjacent the base 22.

The Examiner states on page 5 of the Office Action that claims 1, 2, 5, 6, 14, 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 1,472,955 to Behringer (hereinafter Behringer).

Applicant respectfully traverses.

According to the Federal Circuit, “anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration” [W.L. Gore & Associates v. Garlock, Inc., 721 F.2d, 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)].

Presented below in tabular form are direct element-by-element comparisons of the elements of the amended Claim 1 of the instant application to the teachings of Behringer.

Table 1 – Element-by-element comparison of elements of amended Claim 1 of the present application to the teachings of Behringer.

<u>Element in Claim 1</u>	<u>Difference or Agreement with Behringer</u>
A. A cable support comprising a base;	
B. an attachment arrangement on said base for anchoring to a surface;	
C. a first holding member integral with and extending from said base;	
D. an arcuate cable holder on said first holding member;	
E. a deformable member on said first holding member;	Behringer does not disclose a deformable member on a first holding member. Behringer's pipe hanger discloses a "sectional pipe hanger comprises a plurality of interlocking sections 5 (Fig. 2)" (page 1, lines 62-64) and "the number of sections required to support the desired number of pipes are stacked one above the other as in Fig. 2, and the attaching members 11 bent from the solid line position of Fig. 3, through the dotted line position until the hooked end passes through the slot 9 of the next lower section, whereupon the hooked end is clinched, as in Fig. 4" (page 1, line 101 through page 2, line 5). Behringer's deformable member 11 is used to connect two hanger sections 5 together (see Figs. 3 and 4).

<u>Element in Claim 1</u>	<u>Difference or Agreement with Behringer</u>
F. a second holding member integral with and extending from said base; and	Behringer discloses only one holding member which are termed “outwardly pressed downwardly-outwardly and upwardly curved hanger arms or brackets 16 each adapted to receive a pipe 17 or the like horizontally laid thereon” (page 1, lines 89-93). There is no disclosure in Behringer of a second holding member.
G. a cable rest on said second holding member; wherein a cable may be placed on said rest and said deformable member deformed toward said base to secure said cable to said support.	There is no second holding member in Behringer. There is no deformable member disclosed by Behringer that may be deformed to secure a cable to Behringer’s hanger.

Analysis of the element-by-element comparison of Claim 1 of the present invention to the teachings of Behringer:

Reference to Table 1 above shows that several elements (E, F, and G) of the present invention are missing in Behringer.

Referring to element E in Table 1, Behringer does not disclose a deformable member on his holding member 16 (“hanger arm or bracket”, page 1, lines 90-91). Behringer’s hanger arm 16 is simply “adapted to receive a pipe 17 or the like horizontally laid thereon” (page 1, lines 91-93). Behringer’s hanger arm 16 does not include a deformable member that can be deformed to secure the pipe against the pipe hanger. The pipe 17 (see Fig. 1) is simply laid thereon and there is no teaching in Behringer of any deformable member to hold the pipe 17 thereon. Behringer’s disclosure of a deformable

member 11, as shown in Figs. 2-4, is for the purpose of securing two sections 5 of his pipe hanger together.

With reference to element F in Table 1, there is no second holding member disclosed by Behringer. Applicant's invention includes a first holding member 28 (see Fig. 6) and a second holding member 30 which, when a cable 78 is laid therein, as in the topmost set of cable holding members 28, 30, is supported at two points, at both the first holding member 28 and the second holding member 30. When the deformable member 34 is bent over by an installer placing a screwdriver in the slot 48 and bending, the cable 78 is trapped securely within the arcuate cable holder 32 portion of the first holding member 28 and the cable 78 is also forced against the second holding member 30. The cable 78 is therefore held and supported in two locations, at the first holding member 28 and at the second holding member 30, which is significantly more support than the one cable holder, or hanger arm 16, provided by Behringer's pipe hanger.

Referring to element G in Table 1, Behringer does not disclose a cable rest on a second holding member as there is no second holding member in Behringer's pipe hanger.

Given the fact that several elements in Applicant's invention are not present in Behringer, Applicant requests the Examiner to reconsider claim 1 and find it allowable in its present form.

With respect to the Examiner's rejection of claims 5 and 6 under 35 U.S.C. 102(b) as being anticipated by Behringer, Applicant refers the Examiner to Fig. 1 and page 1, lines 86-93 of Behringer, which state "said intermediate body portion or member 7 is provided with upper and lower inverted approximately U-shaped cuts 15 to provide outwardly

pressed downwardly-outwardly and upwardly curved hanger arms or brackets 16 each adapted to receive a pipe 17 or the like horizontally laid thereon." Behringer's one hanger arm 16 is continuously curved from its juncture with the member 7 and there is no disclosure of the initial angle of incidence with the intermediate body portion or member 7. Applicant's claim 5 claims "said first holding member extends at a 90 degree angle from said base" and Applicant's claim 6 claims "said deformable member extends at an angle of 90 degrees from said first holding member". Thus there are two 90 degree bends in Applicant's first holding member 28. As shown in the perspective view of Fig. 6, the topmost set 54E of holding members 28, 30 is holding a cable 78 and the next lower set 54F of holding members 28, 30 has not had a cable inserted therein. The first holding member 28 of set 54F therefore includes the first holding member 28 in its unbiased position with the first holding member 28 extending at a 90 degree angle from the base 22 and the deformable member 34 extending at an angle of 90 degrees from the first holding member 28. After a cable 78 is inserted therein, as in set 54E, the deformable member 34 has been bent to its biased, or cable-holding position, and the cable 78 is thereby trapped within the arcuate cable holding portion 32 and also forced against the second holding member 30. The deformable member 34 therefore has an unbiased position, such as shown for set 54F, which allows it to easily accept a cable that is laid therein, and a biased position, such as shown for set 54E, which closes the channel 46 (see Fig. 5) and traps the cable 78 therein.

V. CONCLUSION

In summary, claim 1 has been amended herein to place it in a better condition for allowance. Claims 3 and 18 have been canceled. Claims 2, 4-17, 19, and 20 remain the same. New claims 21 and 22 have been added.

It is believed that the above amendments and comments are fully responsive to the Office Action mailed June 11, 2004 and that claims 1, 2, 4-17, and 19-22 are in condition for allowance and such allowance is hereby requested.

Should the Examiner require any further information by Applicant or Applicant's undersigned representative regarding this response, the Examiner is invited to telephone the undersigned at the number set forth below.

Respectfully submitted,


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Annotated Marked-up Drawing

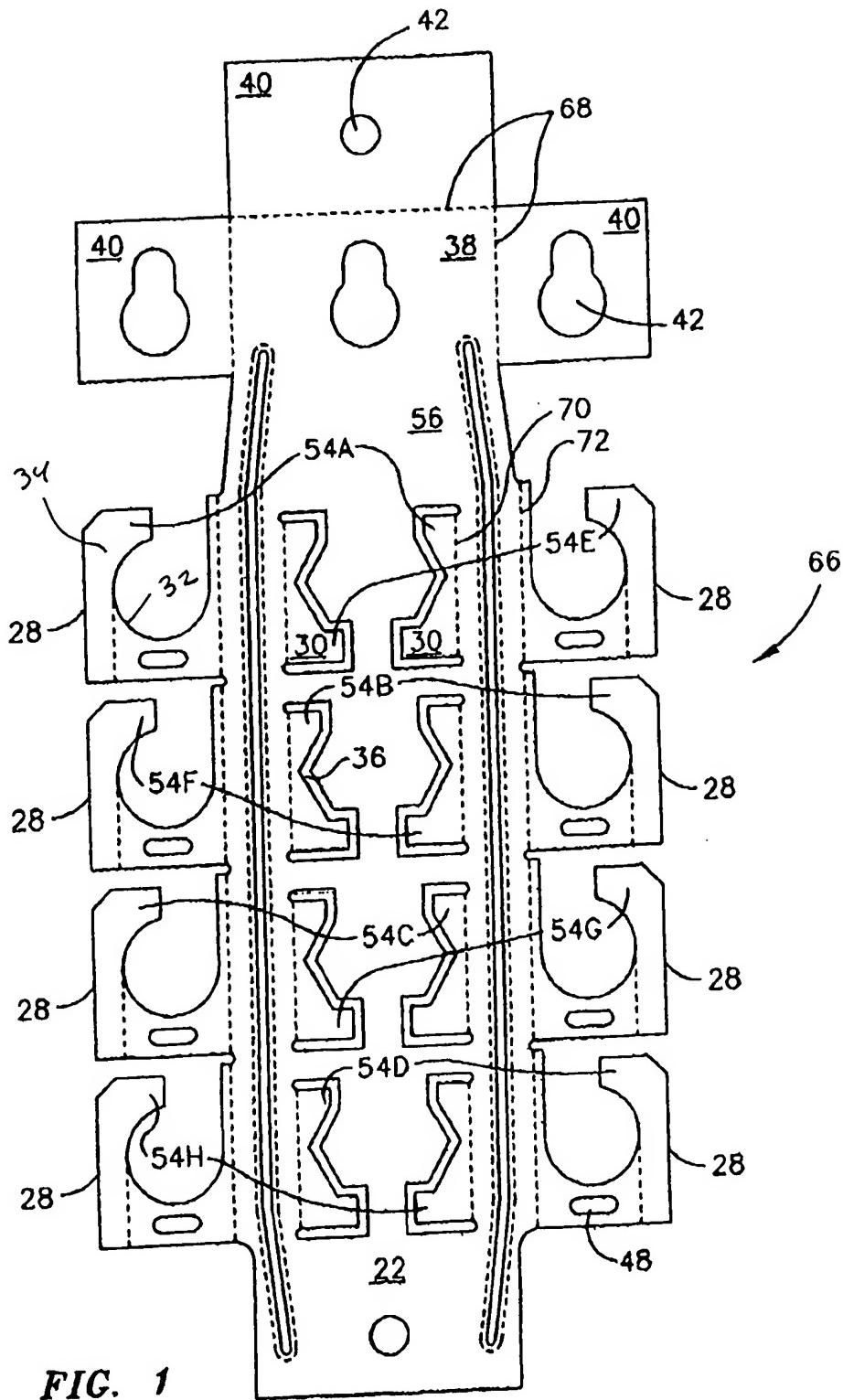
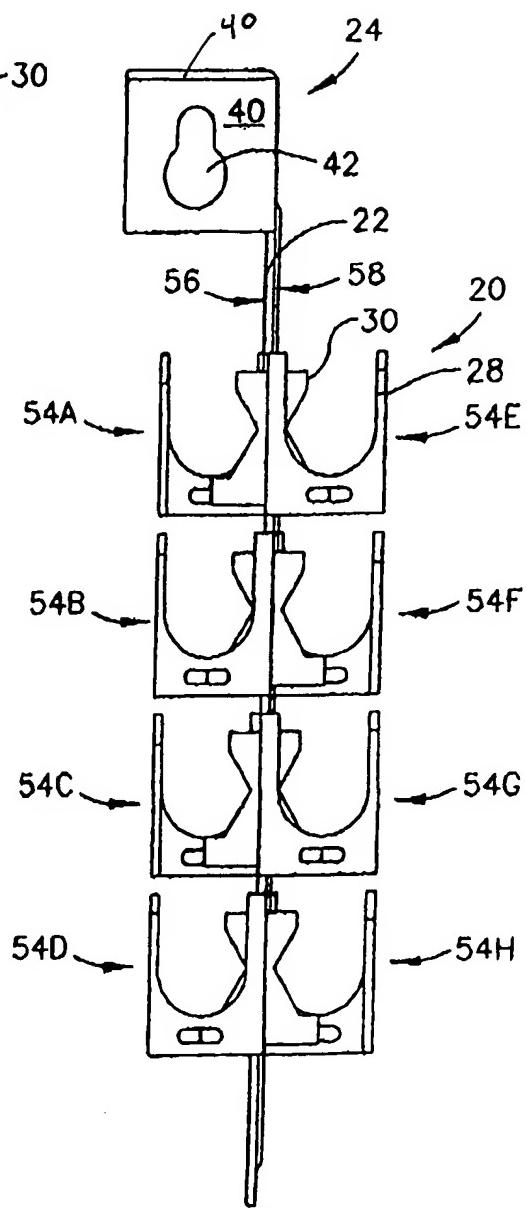
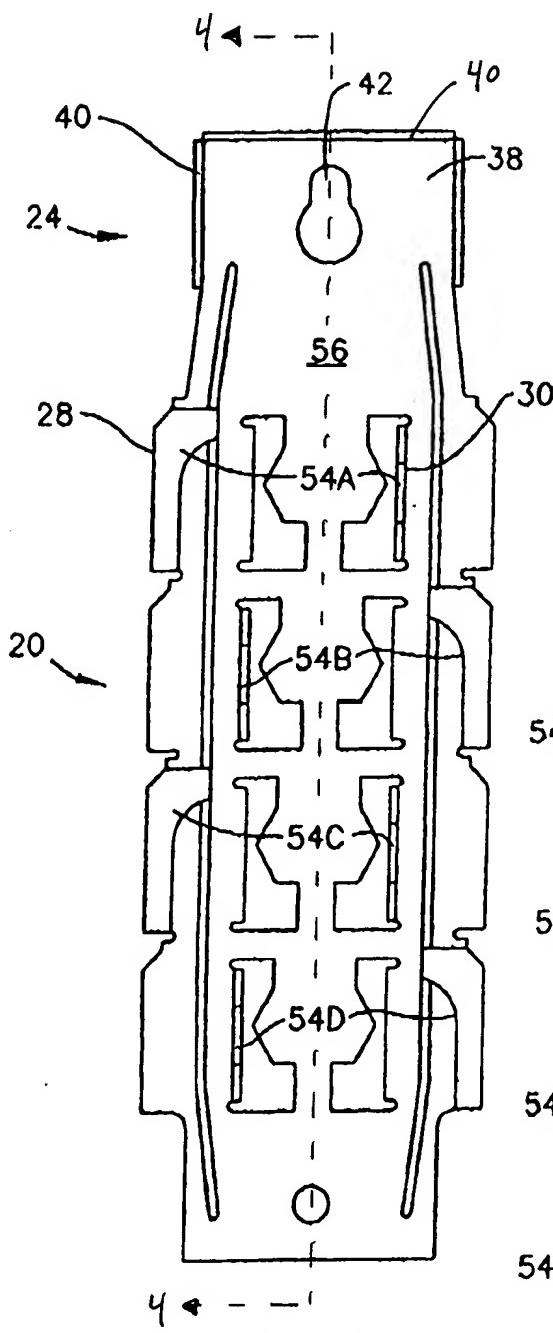
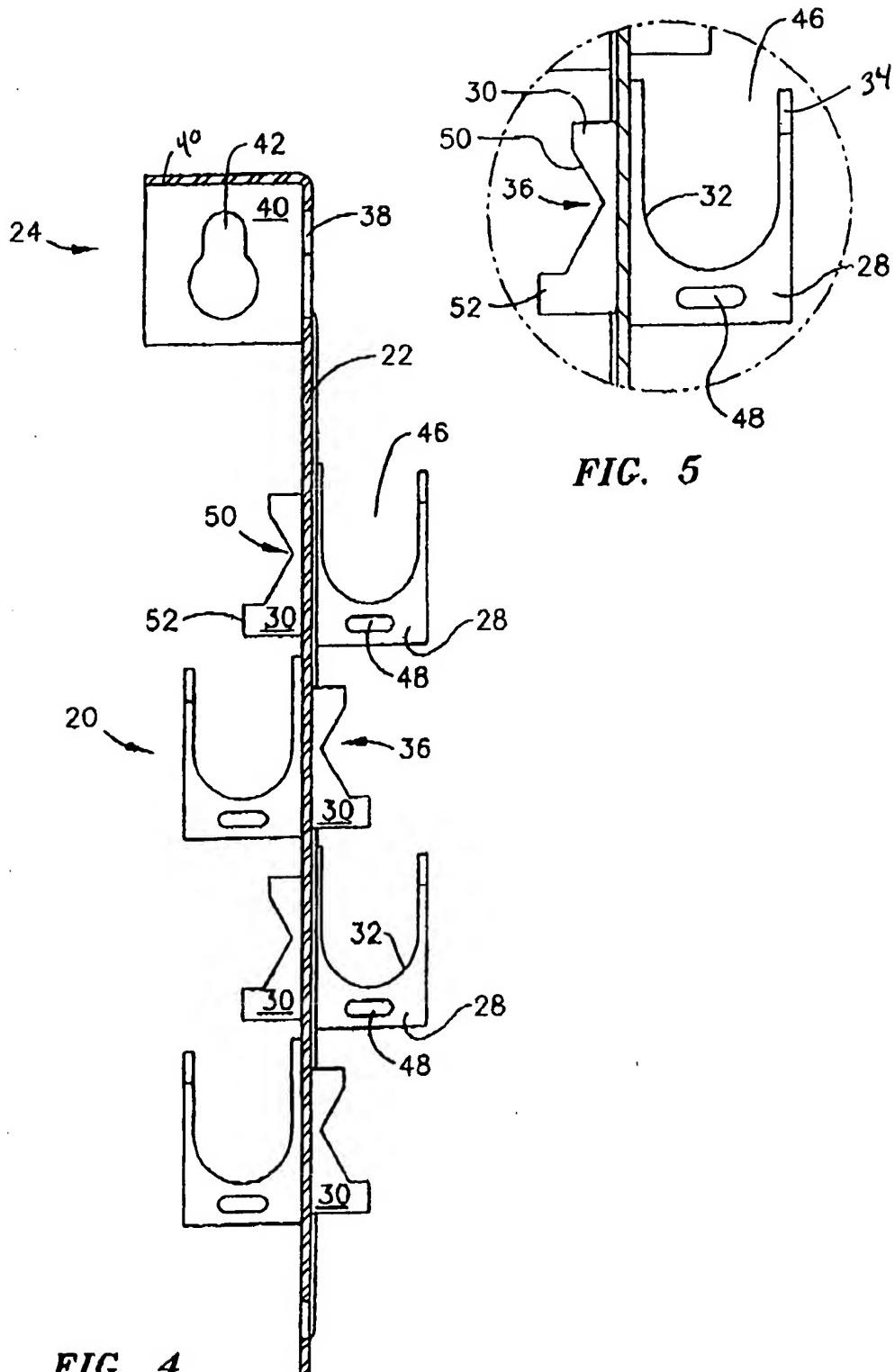


FIG. 1

Annotated Marked-up Drawing



Annotated Marked-up Drawing





Replacement Sheet
Annotated Marked-Up Drawing

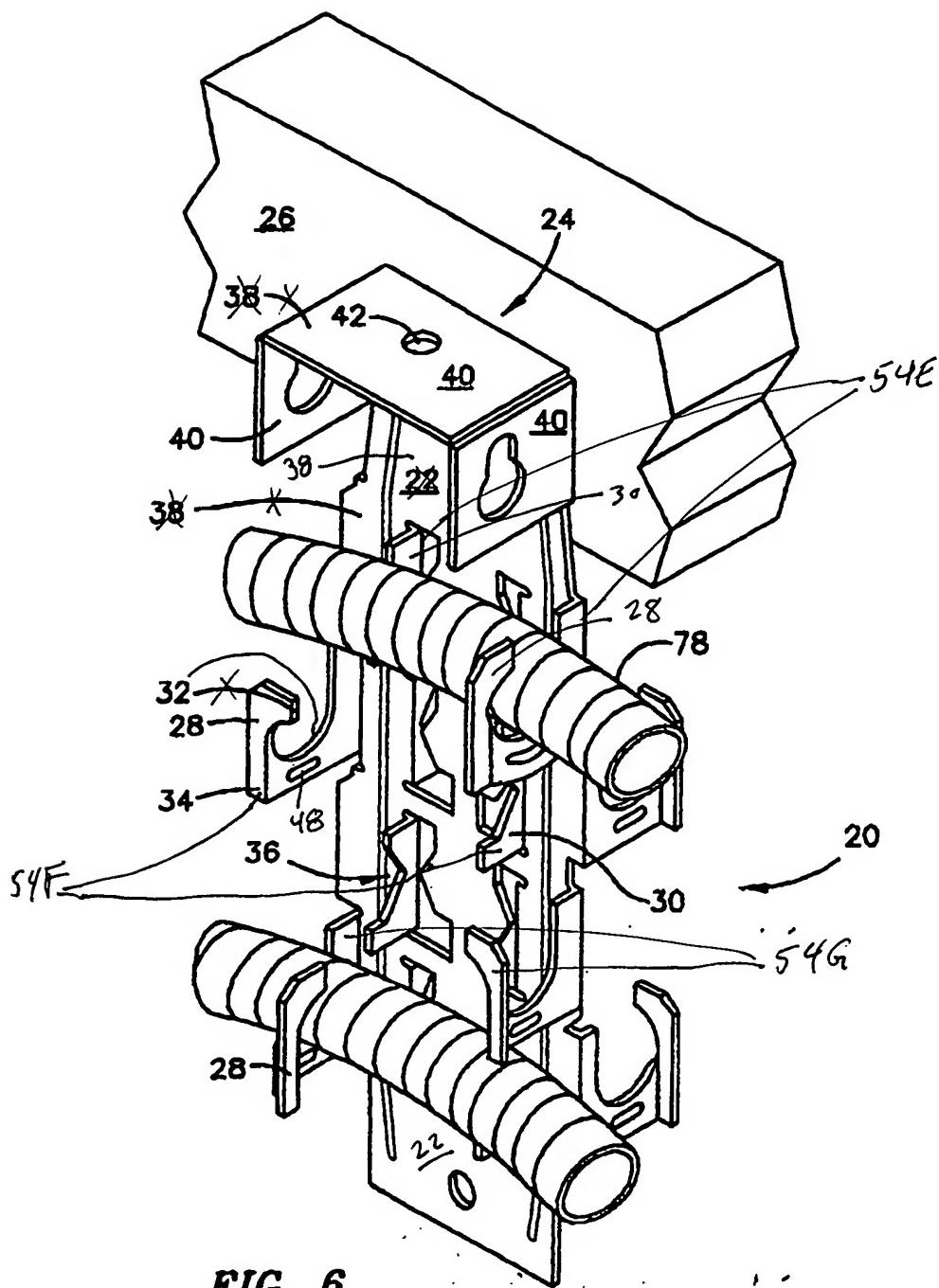


FIG. 6